

REMARKS

By this Amendment, Applicant adds new claims 12-16, and hence claims 1-16 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 7, and, 10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker (U.S. Patent 6,364,765) in view of Tessmer¹ et al. (U.S. Patent 7,052,392, hereinafter “Tessmer”). Applicant respectfully traverses the rejection.

Claim 1

In the Office Action, the Examiner concedes that Walker fails to teach or suggest the “a condition arranger, which changes a condition of the game performed at the station specified by the second specifier so as to be more advantageous to the player specified by the first specifier, and which maintains the changed condition until a cancel condition is satisfied,” as recited in claim 1. However, the Examiner asserts that Tessmer allegedly cures the deficient disclosure of Walker. Specifically, the Examiner’s position is based on the following assertion:

However, [Tessmer] discloses a condition arranger wherein the condition that is changed becomes more advantageous to the player during a bonus game (Title; Abstract; column 12, lines 4-30) and the condition remains until the bonus game is concluded (Abstract, column 12, lines 19-22). Furthermore the condition is enabled by the network in accordance with a specifier of the specific game machine (column 6, lines 7-10). *See* Office Action, p. 3.

¹ Throughout the Office Action, the Examiner appears to inadvertently refer to “Tessmer” as “Tanner.”

Accordingly, the Examiner's position is based on the assertion that the conditions in the bonus game of Tessmer allegedly correspond to the "condition of the game" changed by the "condition arranger" in claim 1.

Tessmer is directed to a video game that allows a player to improve odds of success in a "bonus game." *See* Tessmer, Abstract, ll. 1-3. Tessmer discloses that a player beings play on a gaming machine playing a "base game," which may be a reel-type game used in slot machines. *See* Tessmer, col. 9, ll. 1-7. While playing the "base game," a player may obtain a "base game winning combination" and win standard credits, i.e., money. *See* Tessmer, col. 9, ll. 30-32. However, while also playing the "base game," a player may obtain a "bonus game advantage or credit winning combination" and win credits to be used in the "bonus game." *See* Tessmer, col. 9, ll. 32-36.

Upon a bonus event trigger, the play shifts from the "base game" to the "bonus game." *See* Tessmer, col. 9, ll. 48-49. That is to say, the game display changes from the reel-type "base game" to a "bonus game" of "Pong." *See* Tessmer, Abstract, col. 10, ll. 1-3. Any "bonus game advantage or credit" may be used by the player during the "bonus game" to give the player an advantage, such as making the player's paddle longer. *See* Tessmer, col. 10, ll. 3-36. When the "bonus game" ends, "play returns to the primary or base game." *See* Tessmer, col. 10, ll. 42-43. Thus, Tessmer clearly discloses changing between different types of games because the "base game" is not the same game as the "bonus game."

Therefore, Tessmer neither teaches nor suggests "a condition arranger, which changes a condition of the game." This is because Tessmer does not disclose that a condition of a same

game played at a terminal is changed to be more advantageous to a player. Rather, Tessmer discloses that a “base game” having particular parameters is played. However, only upon entering a “bonus game,” different from the “base game,” is a player able to change the parameters. The changed parameters are limited, however, to the “bonus game” and do not change parameters in the “base game.” Indeed, Tessmer does not contemplate changing the parameters, or conditions, of the “base game.”

Accordingly, Tessmer neither nor suggests “a condition arranger, which changes a condition of the game.” As a result, even if Walker could have somehow been modified based on Tessmer, as the Examiner asserts in the Office Action, the combination would still fail to teach or suggest the claimed “condition arranger,” and hence claim 1 and its dependent claims would not have been rendered unpatentable by the combination of Walker and Tessmer for at least these reasons.

Independent claim 7 recites features similar to those discussed above regarding claim 1 and is rejected by the Examiner by applying the same rationale. Accordingly, claim 7 and its dependent claims also would not have been rendered unpatentable by the combination of Walker and Tessmer for at least reasons analogous to those discussed above regarding claim 1.

Claim 10

In the Office Action, the Examiner asserts that the combination of Walker and Tessmer allegedly teaches all the features of claim 10. *See* Office Action, p. 2. However, on page 8 of the Office Action, the Examiner concedes that “Walker and Tessmer in combination fail to

disclose the limitations of claim 10.” Accordingly, Applicant respectfully submits that the combination of Walker and Tessmer would not have rendered claim 10 unpatentable.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tessmer, and further in view of Seelig et al. (U.S. Patent 5,997,400, hereinafter “Seelig”). Applicant respectfully traverses the rejection.

Claims 2 and 3 depend on claim 1 and incorporate all the features of claim 1. Seelig is merely cited for teaching that horses that finish in higher positions in a race earn higher payouts than lower finishing horses. Even if Walker and Tessmer could have somehow been modified based on Seelig, as the Examiner asserts in the Office Action, the combination would still not contain all the features of claim 1, and hence claims 2 and 3, as discussed above. Accordingly, the combination of Walker, Tessmer, and Seelig would not have rendered claims 2 and 3 unpatentable.

Claims 4 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Price (U.S. Patent 6,776,715) and Tessmer, and further in view of Palmer et al. (U.S. Patent 6,939,224, hereinafter “Palmer”). Applicant respectfully traverses the rejection.

Claims 4 and 9 depend on claims 1 and 7, respectively, and incorporate all the features of claims 1 and 7. Price and Palmer are merely cited for teaching game credits and a payout ratio. Even if Walker and Tessmer could have been modified based on Price and Palmer, as the Examiner asserts, the combination would still not contain all the features of claims 1 and 7, and

hence claims 4 and 9, as discussed above. Accordingly, the combination of Walker, Tessmer, Price, and Palmer would not have rendered claims 4 and 9 unpatentable.

Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tessmer, Price, and Palmer, and further in view of Barrie et al. (U.S. Patent 4,837,728). Applicant respectfully traverses the rejection.

Claim 5 depends on claim 1 and incorporates all the features of claim 1. Barrie is merely cited for teaching an accumulator. Even if Walker, Tessmer, Price, and Palmer could have somehow been modified based on Barrie, as the Examiner asserts, the combination would still not contain all the features of claim 1, and hence claim 5, as discussed above. Accordingly, the combination of Walker, Tessmer, Price, Palmer, and Barrie would not have rendered claim 5 unpatentable.

Claim 6 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view Tessmer, Price, and Palmer, and further in view of Nakagawa et al. (U.S. Patent 6,019,369, hereinafter “Nakagawa”). Applicant respectfully traverses the rejection.

Claim 6 depends on claim 1 and incorporates all the features of claim 1. Nakagawa is merely cited for teaching odds on horses. Even if Walker, Tessmer, Price, and Palmer could have somehow been modified based on Nakagawa, as the Examiner asserts, the combination would still not contain all the features of claim 1, and hence claim 6, as discussed above. Accordingly, the combination of Walker, Olsen, Price, Palmer, and Nakagawa would not have rendered claim 6 unpatentable.

Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tessmer, and further in view of Hanai (U.S. Patent 5,816,920). Applicant respectfully traverses the rejection.

Claim 8 depends on claim 7 and incorporates all the features of claim 7. Hanai is merely cited for teaching a master machine. Even if Walker and Tessmer could have somehow been modified based on Hanai, the combination would still not contain all the features of claim 7, and hence claim 8. Accordingly, the combination of Walker, Olsen, and Hanai would not have rendered claim 7 unpatentable.

Claim 10 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tessmer, and further in view of Barrie (U.S. Patent 5,833,537). Applicant respectfully traverses the rejection.

Claim 10 depends on claim 1 and incorporates all the features of claim 1. Barrie is merely cited for teaching an accumulator. Even if Walker and Tessmer could have somehow been modified based on Barrie, as the Examiner asserts, the combination would still not contain all the features of claim 1, and hence claim 5, as discussed above. Accordingly, the combination of Walker, Tessmer, and Barrie would not have rendered claim 10 unpatentable.

Claim 11 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of Tessmer, and further in view of Feritta et al. (U.S. Patent 6,302,793, hereinafter “Fertitta”). Applicant respectfully traverses the rejection.

Claim 11 depends on claim 1 and incorporates all the features of claim 1. Fertitta is merely cited for teaching a total number of credits wagered by a player. Even if Walker and

Tessmer could have somehow been modified based on Fertitta, as the Examiner asserts in the Office Action, the combination would still not contain all the features in claim 1, and hence claim 11, as discussed above. Accordingly, claim 11 would not have been rendered unpatentable by the combination of Walker, Tessmer, and Fertitta for at least these reasons.

New Claims

As discussed above, Applicant adds new claims 12-16, which are at least supported by FIGS. 1-4 and the accompanying discussion from page 6, line 15 to page 13, line 3 of the specification. Applicant respectfully submits that the references cited by the Examiner fail to teach or suggest all the features of claims 12-16.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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